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OFFICE OF PETITIONS

In re Application of	:	
Baaziz Achour	:	
Application No. 09/771,210	:	DECISION GRANTING
Filed: January 24, 2001	:	PETITION UNDER 37 C.F.R. §1.137(b)
Attorney Docket No. 990082	:	
Title: SYSTEM AND METHOD FOR	:	
MINIMIZING HARDWARE AND	:	
MAXIMIZING CAPACITY IN A	:	
WIRELESS COMMUNICATIONS SYSTEM	:	

This is a decision on the petition filed on January 19, 2005, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed June 24, 2004, which set a shortened statutory period for reply of three (3) months. On December 8, 2004, an amendment was received, along with a three-month extension of time. On December 29, 2004, an advisory action was mailed to the applicant, indicating that the amendment would not be entered. No further extensions of time were requested, and no further amendments were received. Accordingly, the above-identified application became abandoned on December 25, 2004.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition contains the statement "this application became abandoned unintentional (sic)." 37 C.F.R. §1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

Petitioner has filed the petition fee, a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 as well as the associated fee, and has made a statement which is being construed as the proper statement of unintentional delay. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). The amendment shall serve as the required submission.

As such, the petition is **GRANTED**.

After this decision is mailed, the application will be forwarded to Technology Center 2600 for consideration of the submission under 37 C.F.R. §1.114.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



Paul Shaneski
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United States Patent and Trademark Office